

Notice of Allowability

Application No.

10/015,838

Examiner

Eric Hug

Applicant(s)

BURAZIN ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on February 28, 2003.
2. ☒ The allowed claim(s) is/are 1-63.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☒ including changes required by the proposed drawing correction filed 28 February 2003, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Response to Amendment

The following is in response to the amendment filed on February 28, 2003.

Claims 1-63 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose a woven tissue-making fabric having elevated floats and depressed sinkers, whereby at a transition region a first elevated float in a first background region becomes a second depressed sinker in a second background region and a first depressed sinker in the first background region become a second elevated float in the second background region, and whereby the elevated floats and depressed sinkers run parallel in an alternating fashion so that the floats are positioned between adjacent sinkers and the sinkers are positioned between adjacent floats. Similarly, the prior art does not disclose a fabric as described above except whereby at a transition region a first elevated float in a first background region becomes a second elevated float in a second background region and a first depressed sinker in the first background region becomes a second depressed sinker in the second background region. The prior art does not disclose such weave patterns.

Prior art fabrics for making tissue webs have different structures, and may comprise a base fabric with a textured pattern woven therein (Chiu, US 5,429,686), or comprise weave patterns that provide for three-dimensional pockets (Quigley et al., US 5,520,225), or comprise weave patterns having elevated knuckles at the surface (Kaufman et al., US 5,832,692), or comprise long floats and textured patterns without using additional yarns (Hay et al,

US 6,237,644), or comprise resinous structures elevated from the surface of a base fabric (Trokhan, various patents).

Response to Arguments

Applicant's arguments have overcome the objection to the specification presented in the previous office action. Applicant has provided sufficient evidence that the orientation of the warps and shutes are consistent with conventional terminology regarding fabrics woven in endless form in contrast to the terminology describing flat woven fabrics, which was incorrectly applied by the Examiner.

Applicant's amendments have overcome the claim objections regarding incorrect dependencies.

Applicant's arguments have overcome the rejection of claims 32-63 under USC 112, first paragraph presented in the previous office action. Applicant has clearly pointed out subject matter in the specification and in the drawings that support the second embodiment given by these claims. The Examiner thanks the Applicant for clarifying this subject matter.

Applicant's arguments have also overcome the rejection of claims 12, 31, 43, and 63 under USC 112, second paragraph presented in the previous office action. The Applicant has provided sufficient supporting evidence for the definitions of the terms "filled" and "non-macroscopically monoplanar" as used in the claims.

Drawings

The proposed drawing corrections and the proposed substitute sheets of drawings, filed on February 28, 2003, have been approved.

New corrected drawings are required in this application because the faxed copies of the proposed drawings do not clearly show all of the details.

The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Terminal Disclaimer

The terminal disclaimer filed on March 13, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No. 10/015,837 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 703 308-1980. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.



jeh
March 17, 2003


STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700